

A SET OF
FORMS AND INSTRUCTIONS

FOR

BOUNTY LAND CLAIMANTS:

UNDER THE ACT OF SEPTEMBER 28, 1850.

TO WHICH IS APPENDED A SYNOPSIS OF THE MOST IMPORTANT
BOUNTY LAND AND PENSION LAWS.

OLIVER PHELPS, JR.,

Attorney at Law, and Agent for Claims,

WASHINGTON CITY, D. C.

WASHINGTON:

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OLIVER PHELPS, Jr.,
ATTORNEY AND COUNSELLOR-AT-LAW,

WASHINGTON CITY, D. C.,

Practices in all the Courts of the District of Columbia, and adjacent counties of Maryland and Virginia, and attends promptly to private collections, conveyancing, taking depositions, and professional business generally.

He also tenders his services to claimants and lawyers, as agent for the prosecution of claims before Congress and the Executive Departments, including claims for Military Bounty Lands, Revolutionary Pensions, Extra and Arrearages of Pay, Patents, and Return Duties. He possesses every facility for obtaining the most *speedy* and *favorable* action on cases entrusted to his charge.

As few are familiar with the precise method of preparing applications for bounty land, and in order to prevent errors and delay, he has prepared this pamphlet of instructions, presenting much necessary information in a very brief and intelligible manner.

To those with whom he is unacquainted, he would make reference to Members of Congress, and to the officers of the Government generally.

Address as above, *post-paid*.

Office, Pennsylvania Avenue, between 4½ and 6th streets.

Form of a Declaration to be made by the Officer or Soldier.

State of 1_____ }
County of 2_____ } ss.

On this 3_____ day of 4_____ A. D. one thousand eight hundred and 5_____, personally appeared before me, 6_____ a 7_____ within and for the County and State aforesaid, 8_____ aged 9_____ years, a resident of 10_____

in the State of 11_____, who being duly sworn according to law, declares, that he is the identical 12_____ who was a 13_____ in the Company commanded by Captain 14_____ in the 15_____ Regiment of 16_____ commanded by 17_____ in the war with 18_____ that he 19_____ at 20_____ on or about the 21_____ day of 22_____ A. D. 23_____ for the term of 24_____ and continued in actual service in said war for the term of 25_____ and was honorably discharged at 26_____ on the 27_____ day of 28_____ A. D. 29_____ on account of 30_____ as will appear by 31_____ the muster rolls of said company. 32_____

He makes this declaration for the purpose of obtaining the bounty land to which he may be entitled under the "act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," passed September 28th, 1850; never having received or knowing that he is entitled under any former act of Congress.

(Signature of the Claimant.)

Sworn to and subscribed before me the day and year above written. And I hereby certify, that I believe the said_____ to be the identical man who served as aforesaid, and that he is of the age above stated.

(Signature of the Magistrate or other Officer.)

Guide to filling up the Form for Officer's or Soldier's declaration.

Blanks, No. 1, name of State; No. 2, name of County; No. 3, date of month; No. 4, name of month; No. 5, year; No. 6, name of magistrate (or other officer authorized to administer oaths;) No. 7, what kind of officer; No. 8, name (again) of soldier; No. 9, age of soldier; No. 10, place of residence; No. 11, name of State; No. 12, name of soldier again; No. 13 what kind, or grade of soldier; No. 14, name of Captain; No. 15, number of Regiment; No. 16, what kind of Regiment; No. 17, name of person who command the Regiment; No. 18, what war; No. 19, enlisted, or volunteered, or drafted, (state which;) No. 20, where entered the service; No. 21, on or about what day; No. 22, what month; No. 23, in what year; No. 24, for what period; No. 25, how long continued in service; No. 26, where discharged; No. 27, on what day; No. 28, what month; No. 29, what year; No. 30, If on account of disability, state so, if mustered out of service, state so, if on account of expiration of term of service, state so; No. 31, as will appear by my original certificate of discharge herewith presented, and by the muster rolls; No. 32, state if you have lost your certificate, or if you never had any; If you have a certificate of discharge state so in No. 31, and also wafer your certificate to the paper you sign your name to; but if you have no certificate, leave blank No. 31 just as it is, as the muster rolls will show your service.

Form of a Declaration for Widow of an Officer or Soldier.

State of 1_____ }
County of 2_____ } ss.

On this (3)_____ day of (4)_____ A. D. one thousand eight hundred and (5)_____ personally appeared before me (6)_____ a (7)_____ within and for the county and State afore-

said, (8)_____aged (9)_____years, a resident of (10)_____
 _____in the State of (11)_____, who being duly sworn
 according to law, declares, that she is the widow of (12)_____
 deceased, who was a (13)_____in the company commanded by
 Captain (14)_____in the (15)_____Regiment of (16)_____
 commanded by (17)_____in the war with (18)_____
 That her said husband (19)_____at (20)_____on or about
 the (21)_____day of (22)_____A. D., (23)_____for
 the term of (24)_____and continued in actual service in said war
 for the term of (25)_____and was honorably discharged (26)
 _____at (27)_____on the (28)_____day of (29)_____
 A. D., (30)_____as will appear by (31)_____. She further
 states that she was married to the said (32)_____in (33)_____
 on the (34)_____day of (35)_____A. D., (36)_____
 by one (37)_____a (38)_____and that her name before
 her said marriage was (39)_____that her said husband died at (40)
 _____on the (41)_____day of (42)_____A. D., (43)
 _____and that she is still a widow.

She makes this declaration for the purpose of obtaining the bounty land
 to which she may be entitled under the act passed September 28th, 1850;
 never having received or knowing that she is entitled under any former
 act of Congress.

Claimant's Signature.

Sworn to and subscribed before me the day and year above written.

Officer's Signature.

Guide to the filling up of the Forms for Widows' Claims for Bounty Land.

*Blanks, No. 1, name of State; No. 2, County; No. 3, day of month;
 No. 4, month; No. 5, year; No. 6, name of magistrate, (or other person
 administering oaths;) No. 7, what *kind* of official; No. 8, name of widow;
 No. 9, her age; No. 10, place of residence; No. 11, name of State; No. 12,
 name of her deceased *husband*; No. 13, what kind of soldier or grade; No.
 14, name of Captain; No. 15, number of Regiment; No. 16, what kind of
 Regiment; No. 17, name of officer commanding the Regiment; No. 18,
 name of war; No. 19, if enlisted, volunteered, or drafted; No. 20, at what

*In some cases, it will perhaps, be impossible for the widow to state the facts, in relation to her husband's services, with the particularity as to dates, &c., indicated by the above form. In such case she must set forth the facts with as much accuracy as possible. It will be *indispensable* for her to state the Company and Regiment in which he served. If her husband was killed in battle, that fact must be set forth in the declaration.

This declaration must be accompanied by satisfactory proof of the marriage, and of the husband's death. If there is any public record of the marriage, a duly certified copy of such record should be forwarded if possible. If there is no public record of the marriage, but a private or family record, such family record, or a certified copy of the same, should be forwarded, with the affidavit of some disinterested person, proving the genuineness of the original, and that the copy certified is a true and correct copy of it. If no public or private record of the marriage exists, or can be procured, that fact should be set forth in the declaration; and in such case, other evidence, such as the testimony of persons who knew the parties in the life-time of the husband, and knew them to live together as husband and wife, and to be so reputed, will be admissible.

In no case, however, will the mere statement of witnesses, that the claimant is the widow of the deceased, be taken as evidence of the marriage; but the witnesses must state the *facts* and *circumstances* from which they derive their knowledge or opinion that she is the widow of the deceased.

A certificate from the clergyman or magistrate, who solemnized the marriage is not competent evidence, unless the genuineness of the certificate be proved, and the person who gave it, be shewn to have been authorized to solemnize the marriage.

place; No. 21, on what date of month; No. 22, name of month; No. 23, the year when entering the service; No. 24, for how long; No. 25, how long in actual service; No. 26,* discharged, *mustered out of service*, or on account of *disability* or *expiration* of service; No. 27, at what place discharged, or *mustered out of service*, or otherwise; No. 28, day of month; No. 29, name of month; No. 30, the year; No. 31, if by certificate, of discharge, or muster rolls of his company, state so; No. 32, name of husband; No. 33, place where married; No. 34, what *day of month*; No. 35, name of month; No. 36, the year; No. 37, by whom married; No. 38, (minister or magistrate) No. 39, name of widow before her marriage; No. 40, place where her husband died; No. 41, day of month; No. 42, name of month; No. 43, year.

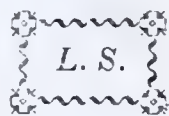
† Affidavit of Witnesses.

State of _____ }
County of _____ } ss.

On this _____ day of _____ A. D. one thousand eight hundred and _____ personally appeared before me, a Justice of the Peace, within and for the State and county aforesaid _____ and _____ residents of the State of _____ and county of _____ who being duly sworn according to law, declare, that _____ is the widow of _____ deceased, who was a _____ in the company commanded by Captain _____ in the _____ regiment of _____ commanded by _____ in the _____ that the said _____ was married to the said _____ deceased, at _____ in the State of _____ on the _____ day of _____ A. D., _____ by one _____ a _____, that the name of the said _____ before her marriage aforesaid was _____, that her husband, the said _____ died at _____ on the _____ day of _____ A. D., _____ and that she is still a widow. That _____

And they swear that they are disinterested witnesses.

Subscribed and sworn to before me this _____ day of _____ A. D. _____. And I hereby certify, that _____ and _____ are credible witnesses.



‡ *Form of Declaration for guardian of minor children, which any attorney can readily fill up.*

State of _____ }
County of _____ } ss.

On this _____ day of _____ A. D. one thousand eight

* State according to the nature of the case, or the circumstances.

† Affidavit of witnesses can be filled up by any competent magistrate or other officer.

‡ Applications by Minor Children.

If any officer or soldier (who would have been entitled to bounty land under said

hundred and _____ personally appeared before me, _____ a _____ within and for the County and State aforesaid _____ a resident of _____ in the State of _____ who being duly sworn according to law, declares, as appears from the records, that he is the guardian of _____ whose age _____ and who _____ minor child _____ of _____ who died on or about _____ A. D., _____ leaving no widow now surviving him, and who was a _____ in the company commanded by Captain _____ in the _____ Regiment of _____ commanded by _____ in the war with _____ that he believes the said _____ at _____ on or about the _____ day of _____ for the term of _____ and was honorably discharged at _____ on account of _____ on the _____ day of _____ A. D. _____ as will appear by _____ the muster rolls of said company.

The said _____ as guardian makes this declaration for the purpose of obtaining from the Department of the Interior; (for the benefit of said minor child _____) The certificate or warrant for bounty land to which the said _____ may be entitled under the act of Congress passed September 28th, 1850.

act,) has died, leaving no widow who still survives him, but leaving a child or children under the age of majority, at the time of the passage of said act, such minor child or children are entitled to the same quantity of land that the father would be entitled to if living.

In such case the *guardian* of such minor child or children must make a declaration as nearly corresponding with the foregoing forms as the nature of the case will admit. He must state the time of the father's death; the fact that no widow survives him; and must state the *name* or *names*, and *exact* age, or *ages*, of the surviving minor child or children.

This declaration must be accompanied by *satisfactory proof* of the father's death, that no widow survives him, of the ages of the minor child or children, and of his own appointment, by competent authority, as guardian. If there is any *family record* showing the ages of the children, it, or a certified copy of the same, should be forwarded, with the affidavit of some disinterested person, proving the genuineness of the original, and that the copy certified is a true and correct copy of it.

OBSERVATIONS.

The Bill grants bounty lands to all those who served in the WAR OF 1812, in the SEMINOLE OR CREEK WARS, or in ANY OF THE INDIAN WARS SINCE 1790. And to all Commissioned Officers in the war with Mexico. It embraces Officers, Musicians and Privates, whether of the Volunteers, Rangers, Regulars or Militia.

Those who engaged to serve twelve months, or during the war, and *actually served nine months*, will receive one hundred and sixty acres; and those who engaged to serve six months, and *actually served four months*, will receive eighty acres; and those who engaged to serve for any, or an indefinite period, and *actually served one month*, will receive forty acres.

Observe; the soldier or warrantee, is *not allowed* to sell his claim or transfer, or assign away his *certificate*, but will be compelled to locate or have his certificate located for him; after which, however, sale or transfer of the patent or land can be made.

Soldiers will also bear in mind that this Law, is not for *additional* Bounty to those who have received or are entitled to receive under any former act of Congress.

Claimants have been led to believe, that copies of the muster rolls of their respective companies will be found at the different *Clerks Offices*, throughout the United States; such a thing is utterly impracticable, and was never contemplated by the Government.

Any soldier discharged on account of disability, before the expiration of his period of service, will be allowed the same as if he had served out the whole term.

A soldier taken prisoner, before the end of his period of service, and *held in captivity* or *discharged on parol of honor* not to serve during the war, will receive the amount he would have been entitled to, if he had served out the full period for which he entered the service.

It has been recently decided, that where the same person has performed several tours of service, he will be entitled to bounty for the *aggregate* of the several tours. But no one person will be allowed more than 160 acres under this act.

Where a person has been drafted, and has employed a substitute, *the latter* will be entitled to bounty, and *the former* will not.

Those who were received into the service as soldiers, and were detailed for the performance of any duty whatsoever, are entitled under this act.

Marines who performed *land service* in any war, except in that with Mexico, are entitled under this act. But when the service was performed between 1790 and 1812, and the certificate of discharge is lost, he must prove his service by credible witnesses.

Where the soldier is dead, his widow is entitled, provided she was a widow on the 28th September, 1850; although she may have been married several times. But if not a widow at that time, the benefit of the act can *only* inure to the *minor* child or children.

When an oath is administered by a NOTARY PUBLIC with his seal affixed, no certificate from the Clerk, as to his official character and signature is necessary. Provided his seal has a device or inscription, which will distinguish it from any other.

Artificers during the Revolution have become entitled by a recent decision of the Department of the Interior.

SYNOPSIS OF THE PROVISIONS OF THE MOST IMPORTANT BOUNTY LAND AND PENSION LAWS.

(It does not embrace, however, the Bounty Land act of September 28, 1850.)

REVOLUTIONARY PENSIONS.

1st. All officers and soldiers of the *continental line*, who served in the war of the Revolution until its close, or who were discharged by Congress on or after the 1st of January, 1781, who lived until the 15th of May, 1828, became entitled to a pension equal to the amount of their full pay in the line, from the 4th of March, 1826, during life. Any such officer having died since the 15th of May, 1828, without receiving his pension, the amount of said pension from the 4th of March, 1826, to the time of his death, may be recovered by his widow, children, executor, or administrator, according to the circumstances of the case.

2d. All officers and soldiers, whether of the regular Army, Navy, State troops, Militia, or Indian spies, who served in the war of the Revolution for a period or periods, amounting in all to six months, if living on the 7th of June, 1832, became entitled to a pension for life from the 4th of March, 1831. If they served *two years*, the pension will be equal to their *full pay* per annum; if for any time less than two years, but not less than six months, the pension is less, in proportion as the time of service falls short of two years. No pension, however, can exceed the highest pay of a captain, or \$600 per annum. Any officer or soldier who served as aforesaid, having died since the 7th of June, 1832, without receiving a pension, the amount due from the 4th of March, 1831, to the time of his death, may be recovered by his widow, children, or personal representative, according to the circumstances of the case.

3d. The widow of any officer or soldier who served as last aforesaid, who was married prior to the termination of her husband's services, if she were living on the 4th of July, 1836, became entitled to a pension from the 4th of March, 1831. If such widow was married after her husband left the service, but before the 1st of January, 1794, and if she lived until the 4th of July, 1838, she became entitled to a pension from the 4th of March, 1836. If married after January 1st, 1794, and before 1800, and if she lived to the 29th of July, 1848, she became entitled to a pension for life from the 4th of March, 1848. In all cases where a widow is entitled to a pension, the amount per annum is the same that her husband would have been entitled to receive if living—depending upon his rank and the length of his service. Any widow, of either class above described, having lived long enough to become entitled to a pension, and died without receiving it, the amount due up to the time of her death may be recovered by her children, if she left any, and, if not, by her executor or administrator.

NAVY PENSIONS.

There have been a great variety of acts passed from time to time on the subject of Navy Pensions, and it would be impracticable to give a synopsis of their provisions in this brief circular. As a general rule, however, it may be stated, that, in all cases where any officer, seaman, marine, engineer, fireman, or coal-heaver belonging to the U. S. Navy, has died in the naval service of a wound received, or disease contracted, in the line of duty, leaving a widow or minor children, there is more or less pension due; the amount depending upon the circumstances of each particular case.

MEXICAN WAR.

In case of any officer or soldier, either of the regular army or volunteers, who died in the service during the late war with Mexico, or after leaving the service, of wounds received, or disease contracted, in said service, leaving a widow, or children under 16 years of age, there is a pension due to such widow or children.

It may be further stated, as a general rule, that in all cases where any officer of the regular army, or any officer or private soldier of the militia, including rangers, sea-fencibles, or volunteers, either in the war of 1812, or at any subsequent time, has died of wounds received in actual service, leaving a widow, or children under 16 years of age, there is a pension due to such widow or children, or widow and children, as the case may be, if it has never been received.

INVALID PENSIONS.

All officers and privates, whether of the army, navy, militia, or volunteers, who have been at any time disabled in the service by wounds received, or disease contracted, while in the line of duty, are entitled to pensions; the amount depending upon the rank of the invalid and the degree of disability.

BOUNTY LANDS.

REVOLUTIONARY WAR.—All commissioned officers who served in the Revolutionary war until its close, or until discharged by Congress, and all non-commissioned officers and privates who enlisted for the war and served to its close, are entitled to bounty land as follows: A major general 1100 acres; brigadier general 850 acres; colonel 500 acres; lieutenant-col. 450 acres; major 450 acres; captain 300 acres; lieutenant 200 acres; ensign 150 acres, and non-commissioned officers and privates 100 acres. The heirs of those who served as aforesaid, and have since died, and of all those who engaged to serve as aforesaid, and were killed in battle, are entitled to the land.

WAR OF 1812.—All non-commissioned officers and privates of the regular army, who enlisted for five years, or during the war, after the 25th of December, 1811, and before the 10th of December, 1814, and who served out their time, or until discharged on account of wounds or sickness, are entitled to 160 acres each. All who enlisted and served as above, after the 11th December, 1814, are entitled to 320 acres each; they are also entitled to three months' extra pay and \$16 bounty, if the same has never been received. All who enlisted under act of 8th April, 1812, for 18 months, or under act of 29th January, 1813, for one year, are entitled to extra pay and bounty, but not to land. If any who enlisted as aforesaid, died while in service, or have died since, without receiving said land or money, the same may be recovered by their heirs, as follows: 1st. The widow and children, if any living; if none, the father; if no father, the mother; and if neither widow, child, father or mother be living, the brothers and sisters are entitled.

WAR WITH MEXICO.—All non-commissioned officers, musicians, and privates, whether of the regular army, State troops, or volunteers, who served during the war with Mexico, are entitled to 160 acres each, if they engaged for one year or more, and served out their time, or until discharged by reason of wounds or sickness; and those who engaged for a less time than one year, are entitled to 40 acres each. All who served in the war with Mexico, including commissioned officers, are entitled to three months' extra pay, and to many there is back pay, &c., due. In case the soldier is dead, the land and money is due to the widow and children, father, mother, or brothers and sisters, according to the circumstances of the case.

In many of the public offices, and in the Pension office particularly, there is a great number of suspended and rejected claims, many of which could be established, if put into the hands of an efficient agent at the Seat of Government, who is thoroughly acquainted with that branch of business.

All letters addressed to OLIVER PHELPS, Jr., Washington, D. C., (the postage being paid,) making inquiries in regard to claims, will be promptly attended to. Claims for *Pension*, *Back Pay*, and *Extra Pay*, will be attended to *without charge*, unless they are successfully prosecuted, in which case he will charge a reasonable per centage upon the sum recovered.

Persons writing to him in regard to claims, should communicate all the facts of the case, in *as full a manner as possible*. Especially, in all claims for pension, extra or back pay, or bounty lands, the name of the officer or soldier, the time and place of his enlistment, the company and regiment in which he served, the length of time he served, &c., should be fully stated.

He will send forms and instructions, when sufficient facts are communicated, to enable him to determine what laws are applicable to the case.